

ALBERT F. COOMBES, ESQ. SBN 60861
15915 Ventura Blvd., Penthouse 4,
Encino, Ca. 91436
Tel: (818) 986-1533
Fax: (818) 986-1657

Defendant In Pro Per

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CHRISTINE CHANG,
individually and as Guardian Ad
Litem for ERIC SUN, disabled,

Plaintiffs,

vs.

ROCKRIDGE MANOR
CONDOMINIUM et al.

Defendants.

No. C 07 4005 EMC

DEFENDANT ALBERT
COOMBES' SEPARATE CASE
MANAGEMENT STATEMENT

Date: 11/7/07
Time: 1:30 p.m.
Place: Courtroom C

1. Jurisdiction and Service:

This defendant contends that the court lacks subject matter jurisdiction over plaintiff's claims and has filed a Rule 12(b)(1) motion to that effect. There are no issues concerning personal jurisdiction and venue and defendant is not aware if any parties remain to be served.

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DEFENDANT ALBERT COOMBES'
SEPARATE CASE MANAGEMENT STATEMENT

1 2. Facts:

2 At this time it is impossible to give the Court a brief chronology of the facts and
3 the principal factual issues in dispute since the plaintiffs' complaint is so vague and
4 ambiguous. A Rule 12(b)(6) motion for a more detailed statement has been filed. The
5 only facts contained in the complaint against this defendant are contained in Paragraph
6 109 wherein the plaintiff alleges she retained said defendant for \$7,500.00 and that he
7 represented her for about a week, taking one expert witness deposition.

8 3. Legal Issues:

9 The legal issues will involve FRCP Rule 12(b)(1) and (6) regarding lack of subject
10 matter jurisdiction and failure to state a claim, plus the applicable California Statute of
11 Limitations - CCP§335.1 - as it applies to plaintiffs' causes of action for malicious
12 prosecution, abuse of process, negligence and 42 USCS §1983.

13 4. Motions:

14 This defendant has filed a Rule 12 motion which it is hoped will be dispositive
15 of all the issues of the case. The motion is set for hearing on November 28, 2007.

16 Motions for Judgment on the Pleadings and Summary Judgment are contemplated
17 in the future.

18 5. Amendment of Pleadings:

19 Since this defendant has yet to file an answer it is unknown at this time whether
20 or not there will be a need to amend that pleading in the future.

21 6. Evidence Preservation:

22 All documents that were in existence at the time plaintiffs' complaint was filed are
23 being preserved.

24 7. Disclosures:

25 To date this defendant has not received any disclosures from the plaintiff or any
26 other party to this action. Defendant has not made any initial disclosures since plaintiffs'
27 complaint is so vague and ambiguous, he is unaware of what action is being taken against
28

1 him.

2 8. Discovery:

3 Should defendants' Rule 12 motion be denied he intends to propound written
4 discovery to the plaintiffs and to schedule their depositions.

5 9. Class Actions:

6 This is not a class action.

7 10. Related Cases:

8 There are no other related cases pending before another judge of this court, or
9 before another court or administrative body.

10 11. Relief:

11 This defendant is unaware of the amount of damages the plaintiffs are seeking
12 against him therefore it is impossible at this time to determine how those damages should
13 be calculated if liability is established. If the amount is \$7,500.00 as is alleged in
14 Paragraph 109 of the complaint then relief would be the difference between what the
15 finder of fact rules was the value of this defendant's services and accompanying costs
16 versus the \$7,500.00.

17 12. Settlement and ADR:

18 Settlement and ADR are unlikely until all discovery is completed and all
19 dispositive motions have been decided.

20 13. Consent to Magistrate Judge for All Purposes:

21 This defendant has filed his Consent to Proceed Before a United States Magistrate
22 Judge for all purposes.

23 14. Other References:

24 This case is not suitable for binding arbitration, a special master, or the Judicial
25 Panel on Multidistrict Litigation.

26 15. Narrowing of Issues:

27 This defendant believes that his Rule 12 motion will narrow the issues of the case
28

1 by weeding out those causes of action which are either barred by the Statue of Limitations
2 or do not contain sufficient facts to sustain them.

3 16. Expedited Schedule:

4 Because of the large number of defendants involved it is unlikely that this case
5 would benefit from an expedited schedule.

6 17. Scheduling:

7 This defendant proposes the following scheduling calendar:

8 Designation of experts - October 1, 2008

9 Discovery Cutoff - August 29, 2008

10 Hearing of Dispositive Motions - November 5, 2008

11 Pretrial Conference - December 10, 2008

12 Trial - January, 2009

13 17. Trial:

14 Plaintiffs have requested a jury.

15 18: Disclosure of Non-party Interested Parties or Persons:

16 This defendant does not know of any persons, firms, partnerships, corporations
17 (including parent corporations) or other entities known to him to have either: (i) a
18 financial interest in the subject matter in controversy or in a party to the proceeding; or
19 (ii) any other kind of interest that could be substantially affected by the outcome of the
20 proceeding.

21 Dated: October 29, 2007

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23 /s/ ALBERT COOMBES
24 ALBERT COOMBES
25 Pro Se Defendant
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DEFENDANT ALBERT COOMBES'
SEPARATE STATEMENT